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UNITED STATES DISTRICT COURT
 DISTRICT OF OREGON
 PENDLETON DIVISION

ALLEN HAMILTON and **LOIS HAMILTON**, husband and wife,

Case No. 2:09-cv-01094-SI

Plaintiffs,

v.

DEFENDANTS' FIRST AMENDED
 EXPERT WITNESS LIST

SILVEN, SCHMEITS & VAUGHAN, P.C., an Oregon Professional Corporation, and **ALAN J. SCHMEITS**,

Defendants.

Defendants respectfully submit the following amended expert witness list.

Expert	Est. time / direct	Narrative Statement/Report
Jonel K. Ricker	30 min	Report previously provided (Dkt. 197-1)
Brent T. Burton, MD, MPH	1 hour	Report previously provided (Dkt. 197-2)
Gary J. Susak, Esq. Susak & Powell 222 SW Columbia St, #1120 Portland, OR 97201	30 min	Mr. Susak has been an Oregon trial attorney since 1972. Mr. Susak will provide his opinions in relation to the testimony of plaintiffs' expert Bennett Wasserman in the

Expert	Est. time / direct	Narrative Statement/Report
<i>Gary J. Susak, cont'd</i>		context of other testifying experts. He will testify that it was not a breach of the standard of care to not advise the Hamiltons of the option of waiting to proceed with their personal injury claims in the hopes of learning whether Mrs. Hamilton might contract non-Hodgkin's lymphoma (NHL). In light of expert testimony that it would be impossible to know whether a person would contract NHL at some point in the future, delay in pursuing a claim would risk losing the right to pursue any injury claim. An attorney's conduct would be within the standard of care if he exercised his judgment to proceed with an injury claim instead of waiting based on a purely speculative chance that a more serious medical condition might develop in the future. This is especially true where the scientific evidence does not support the conclusion that exposure to 2,4-D will cause NHL, and where the client wishes to proceed with the existing claim.

DATED this 12th day of September, 2013.

YTURRI ROSE LLP

/s/ Bruno J. Jagelski

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Of Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of September, 2013, I filed the foregoing DEFENDANTS' FIRST AMENDED EXPERT WITNESS LIST electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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CERTIFICATE OF SERVICE